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In re Application of	:	
Baik et al.	:	
Application No. 10/817,140	:	ON PETITION
Filed: April 2, 2004	:	
Attorney Docket No. AM-8893 Y1	:	

This is a decision on the renewed petition, filed February 25, 2008, under 37 CFR 1.183 to waive 37 CFR 1.131 to the extent that it requires that all of the named inventors execute the declaration filed thereunder.

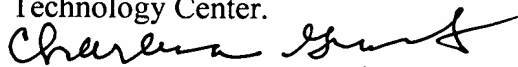
The petition is granted to the extent *infra*.

Petitioners assert that, while all of the named inventors contributed to the conception of the claimed invention which is under rejection, only inventors Baik, Mueller, Dean and Lem have agreed to execute the attached declaration under 37 CFR 1.131 in support of establishing conception of the claimed invention prior to January 6, 2004.

As noted in MPEP 715.04, an adequate showing may lead to acceptance of a declaration under 37 CFR 1.131 executed by less than all the named inventors of the claimed subject matter in question.¹ Under the facts presented, it is agreed that justice requires waiver of the rules to the extent that they require Stephen Osborne to declare. However, the favorable decision herein does not relieve applicants from their burden to establish that the invention was completed before the date of the reference and that the claimed invention was the product of the joint inventors. See In re Carlson, 79 F.2d. 900, 27 USPQ 400 (CCPA 1935).

This application is being referred to Technology Center AU 1795 for further examination on the merits.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3215. Inquiries concerning the examination or status of the application should be directed to the Technology Center.


Charlema Grant
Petitions Attorney
Office of Petitions

¹ If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate. See MPEP 715.04(C).